

1 BILL NO. Z-82-07-03

2 ZONING MAP ORDINANCE NO. Z-2082

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. N-11.

5  
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
7 FORT WAYNE, INDIANA:

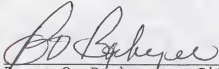
8 SECTION 1. That the area described as follows is  
9 hereby designated a B-1-B (Limited Business) District under  
10 the terms of Chapter 33 of the Municipal Code of the City of  
11 Fort Wayne, Indiana of 1974:

12 Lot #3 Avondale Addition  
13 and the symbols of the City of Fort Wayne Zoning Map No. N-11,  
14 as established by Section 11 of Chapter 33 of the Municipal Code  
15 of the City of Fort Wayne, Indiana of 1974, are hereby changed  
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full force  
18 and effect from and after its passage, any and all necessary  
19 approval by the Mayor and the legal publication thereof.

20  
21   
22 Councilmember

23 APPROVED AS TO FORM  
24 AND LEGALITY

25   
26 Bruce O. Boxberger, City Attorney  
27  
28  
29  
30  
31  
32

Read the first time in full and on motion by Eisbart,  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 7-13-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Eisbart,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
TOTAL VOTES	<u>9</u>	_____	_____	_____	_____
BRADBURY	<u>✓</u>	_____	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____	_____
EISBART	<u>✓</u>	_____	_____	_____	_____
GIAQUINTA	<u>✓</u>	_____	_____	_____	_____
SCRUGGS	<u>✓</u>	_____	_____	_____	_____
<del>WILLIAMS</del>	<u>✓</u>	_____	_____	_____	_____
SCHMIDT	<u>✓</u>	_____	_____	_____	_____
SCHOMBURG	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 12-21-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 3-20-82  
on the 28th day of December, 1982

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 29th day of December, 1982, at the hour of  
11:30 o'clock PM, E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 30 day of January  
1983, at the hour of 12:30 o'clock P, E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

BILL NO. Z-82-07-03

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. N-11

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

PAUL M. BURNS

VICTURE L. SCRUGGS

ROY J. SCHOMBURG

12-28-82  
CONCURRED IN  
DATE CHARLES W. WESTERMAN, CITY CLERK

# RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 7278

FT. WAYNE, IND. June 9 1982

RECEIVED FROM Don's Barber Shop \$ 50.00

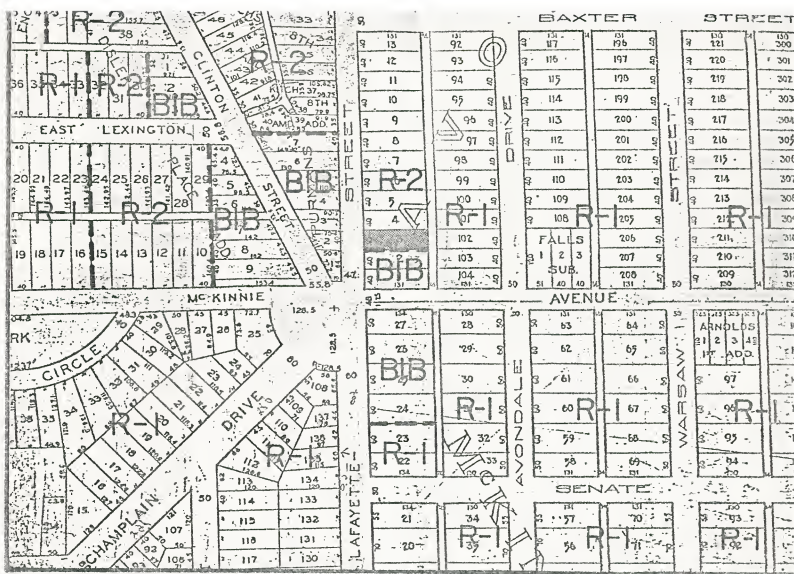
THE SUM OF Fifty Dollars 100 DOLLARS

ON ACCOUNT OF 4219 S. Lafayette

Re going R-2 to B.B.

check # 682 Kim Hrownatt

AUTHORIZED SIGNATURE



REQUEST TO CHANGE FROM R-2  
TO BIB ZONING

MAP NO. N-11

BY WILLIAM H. NESBITT 6-9-82

7-82-07-03

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We DON GERBER  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne  
Indiana, by reclassifying from a/an R-2 District to a/an B-1-B  
District the property described as follows:

(Legal Description) If additional space is needed, use reverse side.

LOT #3 AVONDALE ADDITION

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one  
percentum (51%) or more of the property described in this petition.

X LEO NEUMANN - 4219 S. Lafayette X Leo Neumann  
X \_\_\_\_\_ By R. J. Garrison  
X \_\_\_\_\_ May 27, 1982 Power of att  
(Name) (Address) (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

#### NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

C 21 BRADLEY INC.  
KEN FUELLINE 6718 E. State 493-3511  
(Name) (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.


Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 13, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-07-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1982;

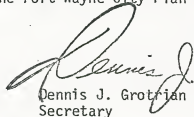
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the following "Findings of Fact":


- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute and unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1982.

Certified and signed this  
24th day of August 1982.

  
Dennis J. Grotrian  
Secretary







## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

24 August 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held August 23, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-82-07-03
2. From: R-2 to B-1-B
3. Intended Use: Barber Shop and Rental Property
4. Plan Commission Recommendation: DO PASS


This ordinance received a DO PASS recommendation for the following reason:

REASON: The use or area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-82-07-02

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Lot #3 Avondale Addition

EFFECT OF PASSAGE Property is now zoned R-2 - Two Family Residential.

Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain R-2 -- Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



# The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk — Room 122

January 4, 1983

Ms. Linda King  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of January 8, 1983 and January 15, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. Z-82-07-03  
Zoning Map Ordinance No. Z-20-82

Bill No. G-82-01-06  
General Ordinance No. G-34-82

Please send us 8 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

LEGAL NOTICE

Notice is hereby given that on the 28th day of December, 1982, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-82-07-03 -- Zoning Map Ordinance No. Z-20-82 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-11

Notice is hereby given that on the 28th day of December, 1982, at the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-82-01-06 -- General Ordinance No. G-34-82 -- AN ORDINANCE amending certain Sections of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-82-07-03 -- Zoning Map Ordinance No. Z-20-82 and Bill No. G-82-01-06 -- General Ordinance No. G-34-82, were passed by the Common Council on the 28th day of December, 1982, and said Ordinances were signed and approved by the Mayor on the 3rd day of January, 1983, and remains on file and on record in my office.

Copies of Bill No. Z-82-07-03 -- Zoning Map Ordinance No. Z-20-82 and Bill No. G-82-01-06 -- General Ordinance No. G-34-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-82-07-03 -- Zoning Map Ordinance No. Z-20-82 and Bill No. G-82-01-06 -- General Ordinance No. G-34-82 will be available for reading in the following places in Fort Wayne, Allen County Indiana:

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

  
Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on January 8, 1983

  
Charles W. Westerman, City Clerk

Common Council  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1  
66  
1  
68

## COMPUTATION OF CHARGES

68 lines, 1 columns wide equals 68 equivalent lines at .323 \$ 21.96  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

3.00  
24.96

TOTAL AMOUNT OF CLAIM.

## DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Barbara Anderson

Date Jan. 15, 1983

Title CLERK

Form 904

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Barbara Anderson who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

January 8-15, 1983

Subscribed and sworn to before me this 15th day of Jan. 1983

Barbara Anderson  
Notary Public

My commission expires November 29, 1985

## LEGAL NOTICE

Notice is hereby given that on the 28th day of December, 1982, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. 2-82-07-03 - Zoning Map Ordinance No. 2-82-82 - AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-11.

Notice is hereby given that on the 28th day of December, 1982, at the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-82-01-05 - General Code No. G-34-82-2 -

100 WEST COL

DOGE DEALER  
TESTIFIED AT THE  
LARGEST



Common Council  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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Total number of lines in notice

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68 lines, 1 columns wide equals 68 equivalent lines at .223 \$ 21.96  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM.

## DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Jan. 15, 1983

Title CLERK

## Form 904

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-82-07-03 - Zoning Map Ordinance No. Z-20-82 and Bill No. G-82-01-06 - General Ordinance No. G-34-82 were passed by the Common Council on the 28th day of December, 1982, and said Ordinances were signed and approved by the Mayor on the 3rd day of January, 1983, and remains on file and on record in my office.

Copies of Bill No. Z-82-07-03 - Zoning Map Ordinance No. Z-20-82 and Bill No. G-82-01-06 - General Ordinance No. G-34-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor of the City-County Building.
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- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

Charles W. Westerman, City Clerk  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on January 8, 1983.  
Charles W. Westerman, City Clerk  
1/8-15

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, Barbara Anderson, who, being duly sworn, says that she is CLERK of the

## JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

January 8-15, 1983

Subscribed and sworn to before me this 15th day of Jan. 1983

My commission expires November 29, 1985



Common Council

(Governmental Unit)

Allen

County, Ind

To NEWS-SENTINEL Dr.FORT WAYNE, INDIANA

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Head	number of lines	<u>1</u>
Body	number of lines	<u>66</u>
Tail	number of lines	<u>1</u>
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Charge for extra proofs of publication (50 cents for each proof in excess of two) 3.00TOTAL AMOUNT OF CLAIM. \$ 24.96

## DATA FOR COMPUTING COST

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Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Jan. 15, 83Title CLERK

Form 903

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS.Personally appeared before me, a notary public in and for said county and state, the undersigned Barbara Anderson who, being duly sworn, says that she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town ofin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:January 8-15, 1983Subscribed and sworn to before me this 15th day of Jan. 1983My commission expires November 29, 1985

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1/8-15